

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 4-12 will be active in the application subsequent to entry of this Amendment.

As a preliminary matter, this application includes 12 sheets of drawings provided by the International Bureau to the USPTO. The Office Action Summary, item 10, does not indicate acceptance (or not) of these drawings. As they were furnished by the International Bureau acknowledgement and acceptance of the drawings in the next communication is requested.

Attached is a copy of the Notification Concerning Submission or Transmittal of Priority Document indicating that the International Bureau received a certified copy of the priority document on January 23, 2004.

It was alleged on page 2 of the Action that a certified copy of the priority document was not received. Applicants provided a certified copy to the Receiving Office under PCT Rule 17 and the International Bureau should have forwarded a copy to each of the designated offices. See also M.P.E.P. § 1893.03(c). Therefore, in accordance with M.P.E.P. § 1896 III, the Examiner is respectfully requested to consult with the Special Program Examiner in his Technology Center to obtain a certified copy of the priority document. Also see PCT Rule 17.2 which states, "No such Office shall ask the applicant himself to furnish it with a copy."

Responsive to item 3 of the Official Action, submitted herewith is a further Information Disclosure Statement which includes copies of the three published International Applications listed in the submission of May 4, 2005. Also listed for completion of the record is a U.S. patent family member of WO 01/12228. The relevant fee to obtain consideration of this submission is paid herewith.

Applicants describe the use of resveratrol to inhibit influenza virus replication, to treat influenza virus infections and to prevent influenza virus infections and a new set of claims directed to methods of treatment are presented above. The inhibitory action of resveratrol on influenza virus replication is present throughout the description of the invention and in particular on page 4, lines 8-9 of the published PCT application. It is the subject of new claim 4 and is also illustrated in the various examples of the invention, in particular as shown in Figure 1 and discussed at page 8 beginning at line 3.

Other embodiments of the invention include the use of resveratrol to prevent or treat influenza virus infections and this is featured in new claims 10 and 7, respectively. The influenza virus infections may occur in humans and would be a human influenza virus as disclosed at page 4, line 25 and generally in the paragraph bridging pages 2 and 3 of the specification. Human influenza virus is the subject of claims 5, 8 and 11.

The description also includes influenza virus infections occurring in animals (non-humans) referred to in the description as "the veterinary field", for instance at page 4, line 28 as well as original claim 3 and veterinary uses are featured in claims 6, 9 and 12.

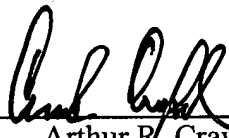
The new claims presented above are responsive to the rejections stated in items 5-8 of the Official Action, are directed to subject matter of a recognized statutory category and based upon the description of the invention in the application as filed.

Further examination of these claims on the merits, including consideration of the concurrently filed Information Disclosure Statement with attachments, is solicited.

Respectfully submitted,

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